

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

Appeal of Susan Lynch

Appeal No. 18469

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), by and through undersigned counsel, respectfully submits its Pre-Hearing Statement in opposition to the appeal filed by Susan Lynch ("Appellant") on August 28, 2012. DCRA also joins the Motion to Dismiss filed by the Intervenor, SSB 2338 King LLC ("SSB"). The Board must grant Intervenor's motion and dismiss the appeal as untimely. Should the Board decide to hear the merits of the case, the evidence is clear that all of the appealed building permits are fully compliant with the Zoning Regulations.

I. BACKGROUND

Appellant challenges DCRA's issuance of 4 building permits issued for construction on two adjacent lots located at 2334 King Pl., NW (Square 1394, Lot 24) (the "2334 Property") and 2338 King Pl., NW (Square 1394, Lot 23) (the "2338 Property"). The 2334 Property is owned by Amy and Benjamin Chew and the 2338 Property is owned by SSB. SSB is also the developer of both properties.

Building Permit no. B1207074 allowed for the construction of a detached single-family house on the 2334 Property. Building Permit no. B1207072 allowed for construction of a

detached single-family house on the 2338 Property. Both permits were issued on April 6, 2012. Building Permit nos. RW1200111 and RW1200113, which were both issued on June 29, 2012, allowed for the construction of a platform structure that traverses the rear yards of both properties.

Before the issuance of those 4 permits, DCRA had approved and then revoked building permits that provided for a similar scope of work at the subject properties. DCRA issued Building Permits nos. B1110274 and B1200230 in early February 2012, permitting the construction of the two houses and a retaining wall across the rear of both properties.

After receiving a complaint from Appellant in early March 2012, DCRA's Zoning Administrator (the "ZA") conducted a review of the plans and determined that those building permits had been issued in error. Specifically, the ZA determined that in light of the Board's decision in Appeal no. 17285 of Patrick J. Carome (March 24, 2006) (the "Economides" case), that the work approved under those permits would create a "platform structure" that violated 11 DCMR § 2503.2 as being in excess of 4 ft. in height in the required rear yard.

The platform structure was created by using fill dirt to elevate the existing grade (which slopes) so as to provide a level rear yard on both properties. The fill dirt is retained and supported at the rear by a wall and geogrid sheets. After the ZA determined that the platform structure did not comply with the Zoning Regulations, DCRA revoked Building Permit nos. B1110274 and B1200230 on April 2, 2012.

SSB then applied for and obtained Building Permit nos. B1207074 and B1207072, which removed the non-complaint platform structure from the scope of work, and then began working with the ZA to resolve the zoning issues with the platform. Ultimately, SSB altered its plans for the platform structure in order to bring it into compliance. These changes included lowering the

height of the wall and the retained soil in the rear yard. On April 23, 2012, CAS Engineering, SSB's civil engineer, submitted a report to the ZA (the "April 23rd report"), which explained the changes that would be made to the platform. *See Exhibit A.* The ZA reviewed this report and found it to be in compliance with the Zoning Regulations. On May 30, 2012, the ZA gave final zoning approval to the plans. DCRA then issued Building Permit nos. RW1200111 and RW1200113 for the construction of the platform.

II. THE APPEAL MUST BE DISMISSED ON TIMELINESS

DCRA joins Intervenor's Motion to Dismiss the appeal of all 4 permits based on timeliness.

III. PERMIT Nos. B1207072 AND B1207074 WERE NOT ISSUED IN ERROR

The appeal of Building Permit nos. B1207072 or B1207074 must also be dismissed as Appellant has made no allegation that there was a zoning error with respect to these permits. Those permits allowed for the construction of the two single-family homes and did not include the platform structure that Appellant argues is in violation of the Zoning Regulations. The construction of the homes is entirely matter-of-right and in full compliance with the Zoning Regulations. Thus, even if the Board found Building Permit nos. RW1200111 and RW1200113 to have been issued in error, that decision would have no impact on SSB's ability to construct the two houses. At no point in the appeal does the Appellant dispute this or identify a zoning error with respect to Building Permit nos. B1207072 or B1207074. Accordingly, the appeal of those permits must be dismissed.

IV. PERMIT Nos. RW1200111 AND RW1200113 WERE NOT ISSUED IN ERROR

Contrary to Appellant's claim in its appeal, the ZA did not approve Building Permit nos. RW1200111 and RW1200113 by reversing his earlier decision that the "retaining wall" was

actually a platform structure. Instead, the ZA determined that the revised plans for the platform structure complied with the Zoning Regulations. In conducting his review, the ZA applied the Board's decision in Economides and the applicable Zoning Regulations.

The Alleged Errors

Appellant argues that the platform structure violates 11 DCMR § 2503.2 as being in excess of 4 ft. in a required yard; violates the 50% occupancy limitation in a required yard in 11 DCMR § 199.1 (definition of "Yard"); and violates 11 DCMR § 403 for being in excess of the lot occupancy limitation applicable to the properties.

None of these allegations of error have merit. Appellant has provided no measurements or calculations that demonstrate that the platform does not comply with the regulations. Further, Appellant's arguments are based on interpretations of the regulations that are not supported by the Board's prior decisions.

Economides

In Economides, the Board articulated the distinction between a retaining wall and a platform structure. The Board determined that if the purpose of the wall is to support an artificially-elevated surface, it is not a mere retaining wall, but is a "platform structure." *Economides* at p. 7. This distinction is significant because the Zoning Regulations contain an exception allowing for a retaining wall (regardless of height) in a required yard. *See* 11 DCMR § 2503.3. On the other hand, a platform structure, like any other structure, cannot exceed 4 ft. in a required yard. *See* 11 DCMR § 2503.2.

In Economides, the Board determined that the platform consisted of the wall, the geogrid sheets, and the retained fill dirt. *Economides* at p. 4. The ZA came to the same conclusion in this case. Like the platform structure in Economides, the wall that is proposed on the 2334 and

2338 Properties is constructed with geogrid sheets and back filled with fill dirt to create a level backyard for the enjoyment of the homeowners. Thus, the wall is not being built to prevent an earth slide, but to shore up an artificially elevated platform. *Economides* at p. 7.

Although the platforms in this case and Economides are similar in terms of their construction and purpose, they are very different in terms of size and scale. The wall in Economides was approximately 30 ft. high at its highest point and is approximately 370 ft. in length. The platform at issue in this case is approximately 7.5 ft. at its highest point and is less than 100 ft. in length at the rear. Despite these differences in size, the ZA applied a strict reading of Economides to his review of the permit application in this case and found it to be compliant.

Specifically, the ZA determined that the platform did not exceed 4 ft. in any required yard; that the platform did not occupy more than 50% of any required rear yard; and that the platform did not have any impact on the lot occupancy of the properties.

Structures In A Required Yard

Generally, the Zoning Regulations do not permit structures in a required yard; however, there are a few exceptions to this rule. The exceptions relevant to this discussion are found in the definition of the term “yard” in 11 DCMR § 199.1 and in 11 DCMR §§ 2503.2, 2503.3. Those three provisions were enacted in the same rulemaking in Zoning Commission Order No. 148 (February 2, 1977). Those provisions state:

Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

2503.2 A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code, Title 12 DCMR, shall not be calculated in the measurement of this height.

2503.3 A fence or retaining wall constructed in accordance with the D.C. Construction Code may occupy any yard required under the provisions of this title.

When read together, those provisions: 1) prohibit structures over 4 ft. above grade in a required yard; 2) permit structures less than 4 ft. above grade in a required yard, subject to a 50% occupancy limit; and 3) permit fences and retaining walls (regardless of height) in a required yard, subject to the provisions of the D.C. Construction Code.¹

The Location Of The Required Rear Yard

Under 11 DCMR § 404.1, a 25 ft. rear yard is required in an R-1-B zone. The Zoning Regulations provide definitions to the terms “rear yard” and “depth of rear yard”. Those terms are defined as:

Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

Yard, rear, depth of - the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.

In measuring the depth of the required rear yard, the measurement begins at the rear wall of the building and runs to the rear lot line. *See Appeal no. 17414 of Geraldine Rebach and Jeffrey Schonberger*, p. 5-6 (November 16, 2006) *aff'd Schonberger v. District of Columbia Bd. of Zoning Adjustment*, 940 A.2d 159 (D.C. 2008). Thus, for both the 2334 and 2338 Properties, the required rear yard begins at the end of the porch portion of the houses and extends 25 ft. towards the rear lot lines. The required rear yard extends the full width of each lot.

¹ As discussed above, the ZA has determined that the exception for fences and retaining walls is not applicable in this case.

The Appellant attempts to argue that the rear lot line should be the starting point in measuring the rear yard; however, Appellant provides no support for this proposition. Further, the decision by the Board and the D.C. Court of Appeals in the Schonberger case on that very issue renders this a settled question.

The Platform Complies

Before giving zoning approval to Building Permit nos. RW1200111 and RW1200113, the ZA confirmed that the platform structure complied with the applicable zoning standards.

In determining whether the platform complies with the Zoning Regulations, it is important to first understand the boundaries of the platform structure. As discussed above, the Board in Economides determined that the platform “includes all of its components-- the mesa block wall, the geogrids which are placed against it, and the ‘retained’ fill dirt.” *Economides* at p. 4. While using soil to grade one’s lot does not ordinarily implicate the Zoning Regulations, Economides makes clear that when one adds so much fill to his/her lot that the erection of a wall is necessary to retain that soil, then a platform structure has been created. *Economides* at p. 7. The soil that is being retained by the wall is part of the platform. Soil that is not being retained by the wall is logically not part of the platform. This distinction is shown in the April 23rd report in Exhibits G and H, which show the location of the wall, the extent of the geogrid, and those portions of fill that are being retained by the wall. See Exhibit A at Exhibits G and H. Therefore, the ZA, consistent with Economides, considered the platform structure to include only the wall, geogrid, and soil that was being retained by the wall.

The April 23rd report demonstrates that no portion of the wall, geogrid, or retained soil is over 4 ft. above the existing grade in the 25 ft. required rear yards. *Id.* The maximum height of the retained soil in the required rear yard is 3.9 ft. and thus it complies with the § 2503.2. *Id.*

Those portions of the platform that are located in required rear yard occupy less than 50% of the required yard as limited by the definition of “yard” in § 199.1. The platform occupies 46.8% of the required rear yard on the 2334 Property and 42% of the required rear yard of the 2338 Property. *Id.*

Appellant’s allegation that the platform exceeds 4 ft. in height in the required side yard is baseless. The April 23rd report does not show any portion of the wall or retained soil in excess of 4 ft. in the side yards of either property. *Id.* In fact, the height of the wall in the side yards is as little as 6 inches above grade. *Id.*

The Platform Does Not Contribute To Lot Occupancy

Appellant also incorrectly argues that the platform structure will increase the lot occupancy of the 2334 and 2338 Properties. Lot occupancy is calculated by the percentage of a lot that is occupied by building area. *See* 11 DCMR § 199.1 (definition of “Percentage of lot occupancy”). While the platform is a structure, it is not a building and thus is not counted as building area.² *See* 11 DCMR § 199.1 (definition of “Building” and Building area”). As such, it does not contribute to lot occupancy.

In Economides, the Board determined that the platform structure did contribute to lot occupancy because the property was located in the Wesley Heights Overlay. The Wesley Heights Overlay has a provision that prohibits any structure from occupying in excess of 30% of its lot. *See* 11 DCMR § 1543.2. The Board explained that the 30% limitation of § 1543.2 was only applicable in the Wesley Heights Overlay. *Economides* at p. 8. The Board stated, “In all other zone districts, the lot occupancy is calculated based on the ‘building area’ and therefore lot occupancy includes only the area taken up by a building and any accessory buildings.” *Id.*

² A building is “a structure that is supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel.” *See* 11 DCMR § 199.1 (definition of “Building”)

Neither the 2334 Property nor the 2338 Property are located in the Wesley Heights Overlay and thus § 1543.2 is not applicable.


The Appellant has failed to show that any of the 4 building permits were issued in violation of the Zoning Regulations, therefore the appeal must be denied.

Respectfully Submitted,

IRVIN B. NATHAN
Attorney General for the District of Columbia

MELINDA M. BOLLING
General Counsel for the Department of Consumer
and Regulatory Affairs

October 12, 2012



JAY A. SURABIAN (DC Bar # 977657)
Assistant Attorney General
Department of Consumer and Regulatory Affairs
Office of the General Counsel
1100 4th Street, SW, 5th Floor
Washington, DC 20024
(202) 442-8403 (office)
(202) 442-9447 (fax)
jay.surabian@dc.gov

CERTIFICATE OF SERVICE

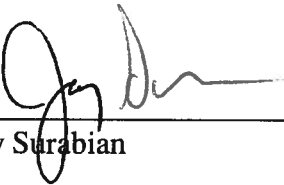
I hereby certify that a copy of the foregoing filing was served by email, this 12th day of October 2012, to the following:

Martin Sullivan, Esq.
Sullivan, Styles and Barros, LLP
1990 M St., NW, Suite 200
Washington, DC 20036
msullivan@sullivanbarros.com

Mary Carolyn Brown, Esq.
Holland & Knight
800 17th Street, NW, Suite 1100

Washington, DC 20006
carolyn.brown@hklaw.com

Advisory Neighborhood Commission 3D
c/o Stuart Ross
P.O. Box 40846 Palisades Station, N.W.
Washington, D.C. 20016
Stuart.Ross@troutmansanders.com



Jay Surabian

EXHIBIT A



ENGINEERING

A Division of CAS Enterprises, Inc.

civil engineering • surveying • land planning

108 W. Ridgeville Boulevard, Suite 101 • Mount Airy, Maryland 21771
phone 301.607.8031 • fax 301.607.8045 • www.casengineering.com

April 23, 2012

Government of the District of Columbia
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Room 3100
Washington, DC 20024
(202) 442-4652 phone
Via email

Attn: Matthew Le Grant, Zoning Administrator
Jay Surabian, Attorney General

Re: **CAS Job No. 11-022/11-246**
2334 & 2338 King Place, NW
Lots 23 & 24, Square 1394
Retaining Wall Rear Yard Coverage Compliance

Dear Mr. Le Grant and Mr. Surabian,

Pursuant to your email (Mr. Surabian) on April 10, 2012 and our subsequent discussions at your offices, we have prepared the following narrative, drawings and computations to support the zoning compliance of retaining walls as presented on the revised grading concepts. We are requesting your confirmation that these retaining walls are in compliance prior to preparing structural plans and submitting for separate retaining wall permits.

In light of your email, we have revisited the proposed retaining walls and the proposed earth fill that must rely on the retaining walls to be in place. Existing conditions for the project, prior to construction activities, are illustrated on Exhibit A for your reference. To demonstrate the portion of fill that is dependent on the retaining walls, we have included a grading design for a scenario without retaining walls; see Exhibit B (included with prior transmittal and justification). This grading design reflects conditions that could be created without the construction of retaining walls. The design creates a level area at the immediate rear of each house. The grade then slopes down to the rear and side lot lines. The grade is based on a maximum slope of 2:1 as provided for under DDOE Regulations (2003 Standards and Specifications for Soil Erosion and Sediment Control, 37.0 Standards and Specifications for Land Grading). For comparison, the previously-approved site plan showing the rear of the lots is included in Exhibit C (included with prior transmittal and justification). We have revised the proposed grading and retaining wall heights to ensure that no part of the wall, geogrid, or retained fill that is over 4 feet above the grade is within the required rear yard (per 11 DCMR 2503.2); see Exhibit F (Exhibits D and E have been removed as they are no longer valid). The proposed plan, with an overlay illustrating the areas where the difference between the unretained slope and the area of fill under the approved plan is more than 4 feet, is included in Exhibit G. To clearly show the separation between fill possible without the retaining wall and fill requiring the retaining wall, cross-sections are provided in Exhibit H.

During our discussions, you indicated that areas of fill necessitating the retaining wall that are 4 feet deep and greater, retaining walls 4 feet and greater above grade and geogrid 4 feet and greater above grade are not allowed in the required rear yard. We have re-graded the rear yard to eliminate these conditions throughout the entire required rear yard.

You also indicated that areas of fill necessitating the retaining wall less than 4 feet deep, retaining walls less than 4 feet above grade and geogrid less than 4 feet above grade are permitted in the required rear yard but are subject to a 50% occupancy limit (per 11 DCMR 199.1). These areas are identified in Exhibit F to accompany the calculations for rear yard occupancy that follow, separately for each lot:

2334 King Place, NW (Lot 24, Square 1394)

Lot width = 50 ft.
Required rear yard = 25 ft.
Required rear yard area = 1,250 sf
Areas of fill within required rear yard
(all less than 4 feet) above the line of
potential unretained fill
and/or retaining wall
and/or geogrid = 585 sf
Rear yard occupancy = 46.8%

2338 King Place, NW (Lot 23, Square 1394)

Lot width = 50 ft.
Required rear yard = 25 ft.
Required rear yard area = 1,250 sf
Areas of fill within required rear yard
(all less than 4 feet) above the line of
potential unretained fill
and/or retaining wall
and/or geogrid = 525 sf
Rear yard occupancy = 42.0%

Per the Regulations, and the Economides decision of the Board of Zoning Adjustment, as upheld by the D.C. Court of Appeals, we have measured the required rear yard from the back of the porch (the rearmost portion of each house) toward the rear lot line.

It is our professional opinion that the above calculations reflect the areas of fill less than 4-ft. deep that will necessitate a retaining wall, retaining walls and geogrid within the required rear yard areas. The portion of the required rear yard covered by these areas is well under the allowed rear yard occupancy of 50%.

We respectfully request that you confirm that the conceptual grading and retaining walls shown on Exhibit F are in compliance with DC Zoning Regulations (DCMR Title 11). Once we've obtained your confirmation we will apply for separate retaining wall permits and construct the walls.

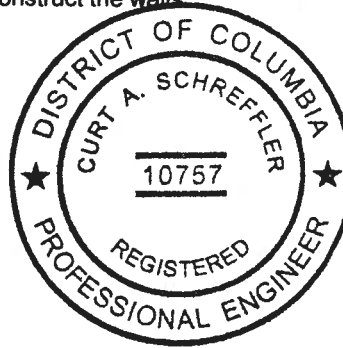
Sincerely,



Curt A. Schreffler, PE
President



David C. Landsman
Project Manager



Cc: Sandy Spring Builders (R. Mandell, M. Kress & P. Leibovitz)
Holland & Knight (S. Sher & C. Brown)

EXHIBIT A: PARTIAL EXISTING CONDITIONS PLAN



Curt A. Schreffler
04/28/2012

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INS. 65469

N/F
JOHN H. GROVER
2339 49TH STREET, NW
LOT 18, SQUARE 1394
BERKLEY

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INSTRUMENT NO. 65469

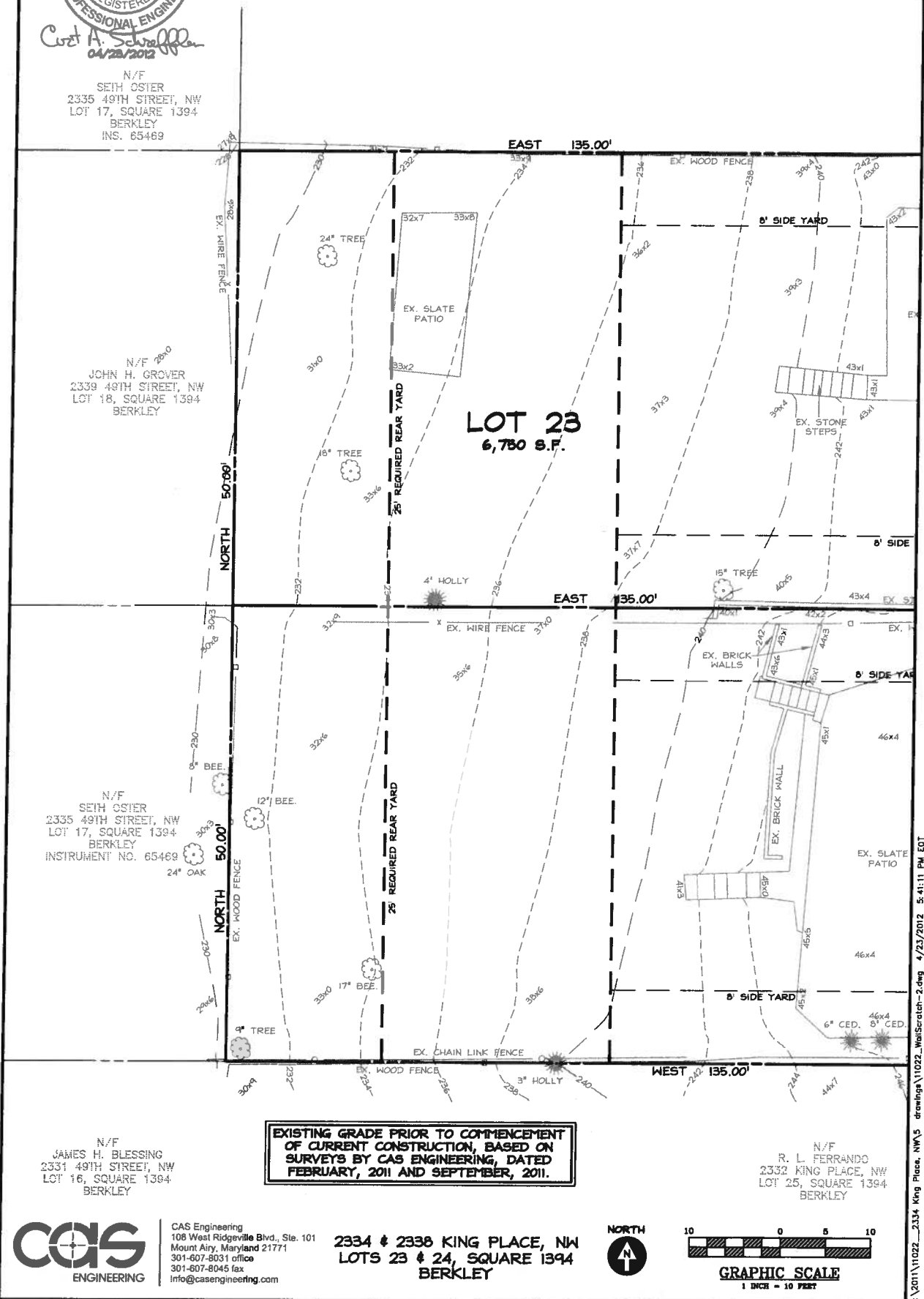
N/F
JAMES H. BLESSING
2331 49TH STREET, NW
LOT 16, SQUARE 1394
BERKLEY

LEGEND:

EXISTING CONTOUR (2-FT.) --- 232 ---
EXISTING CONTOUR (10-FT.) --- 230 ---
REQUIRED REAR YARD - - - - -

GENERAL NOTES:

- 1) TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- 2) ZONING: R-1-B



EXISTING GRADE PRIOR TO COMMENCEMENT
OF CURRENT CONSTRUCTION, BASED ON
SURVEYS BY CAS ENGINEERING, DATED
FEBRUARY, 2011 AND SEPTEMBER, 2011.



CAS Engineering
108 West Ridgeville Blvd., Ste. 101
Mount Airy, Maryland 21771
301-607-8031 office
301-607-8045 fax
Info@casengineering.com

2334 & 2336 KING PLACE, NW
LOTS 23 & 24, SQUARE 1394
BERKLEY



EXHIBIT B: PARTIAL CONCEPTUAL SITE/GRADING PLAN



Curt A. Schreffler
04/25/2012

N/F
SETH OSIER
2335 48TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INS. 65469

N/F
JOHN H. GROVER
2339 48TH STREET, NW
LOT 18, SQUARE 1394
BERKLEY

N/F
SETH OSIER
2335 48TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INSTRUMENT NO. 65469

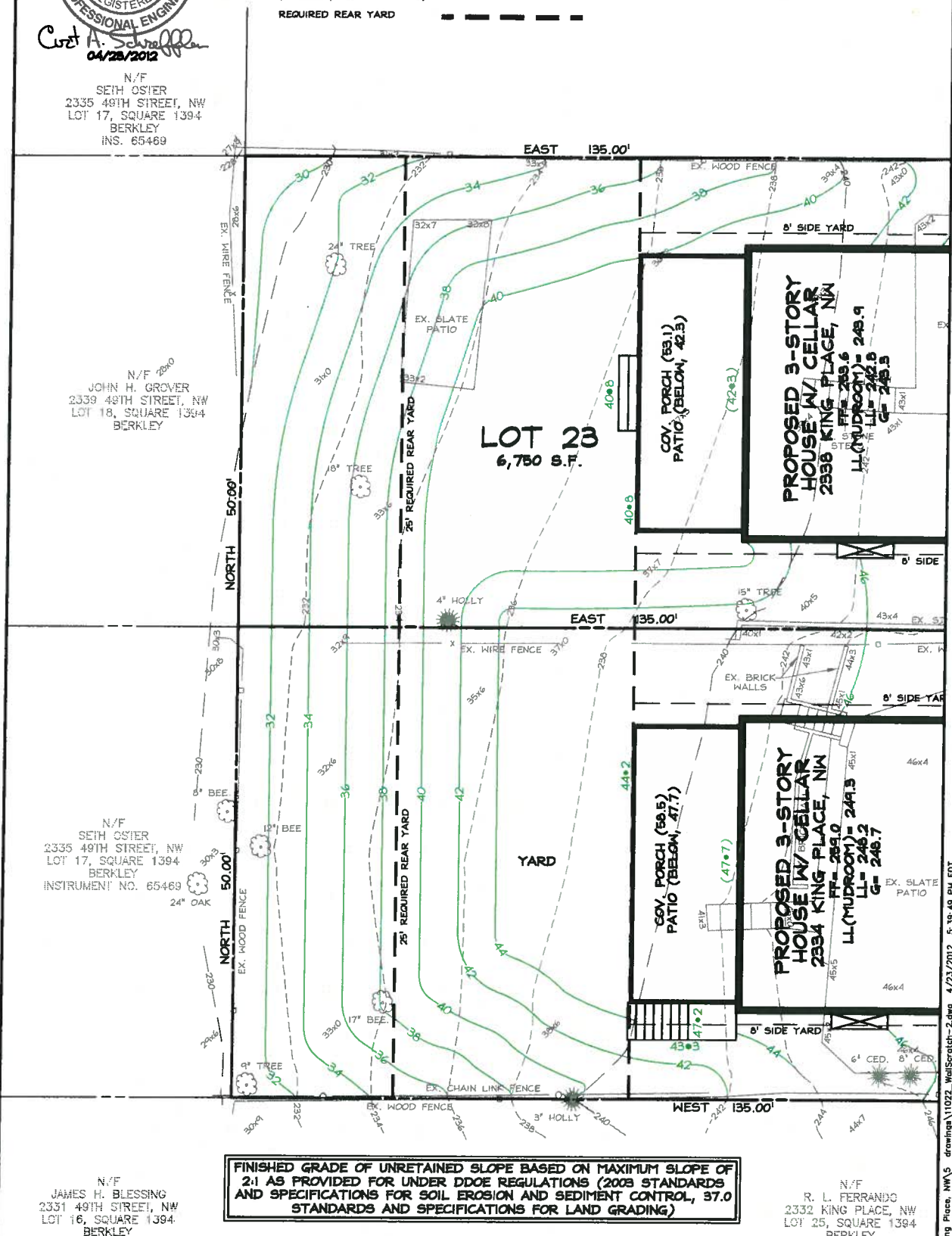
N/F
JAMES H. BLESSING
2331 49TH STREET, NW
LOT 16, SQUARE 1394
BERKLEY

LEGEND:

EXISTING CONTOUR (2-FT.)	---	232
EXISTING CONTOUR (10-FT.)	---	230
FINISHED CONTOUR (2/10-FT.) (CONCEPT, WITHOUT WALLS)	---	30
REQUIRED REAR YARD	---	

GENERAL NOTES:

- 1) TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- 2) ZONING: R-1-B



CAS Engineering
108 West Ridgeville Blvd., Ste. 101
Mount Airy, Maryland 21771
301-607-8031 office
301-607-8045 fax
info@casengineering.com

2334 & 2338 KING PLACE, NW
LOTS 23 & 24, SQUARE 1394
BERKLEY



EXHIBIT C: PARTIAL PREVIOUSLY APPROVED SITE PLAN



Curt A. Schreffler
04/23/2012

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INS. 65469

N/F
JOHN H. GROVER
2339 49TH STREET, NW
LOT 18, SQUARE 1394
BERKLEY

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INSTRUMENT NO. 65469

N/F
JAMES H. BLESSING
2331 49TH STREET, NW
LOT 16, SQUARE 1394
BERKLEY

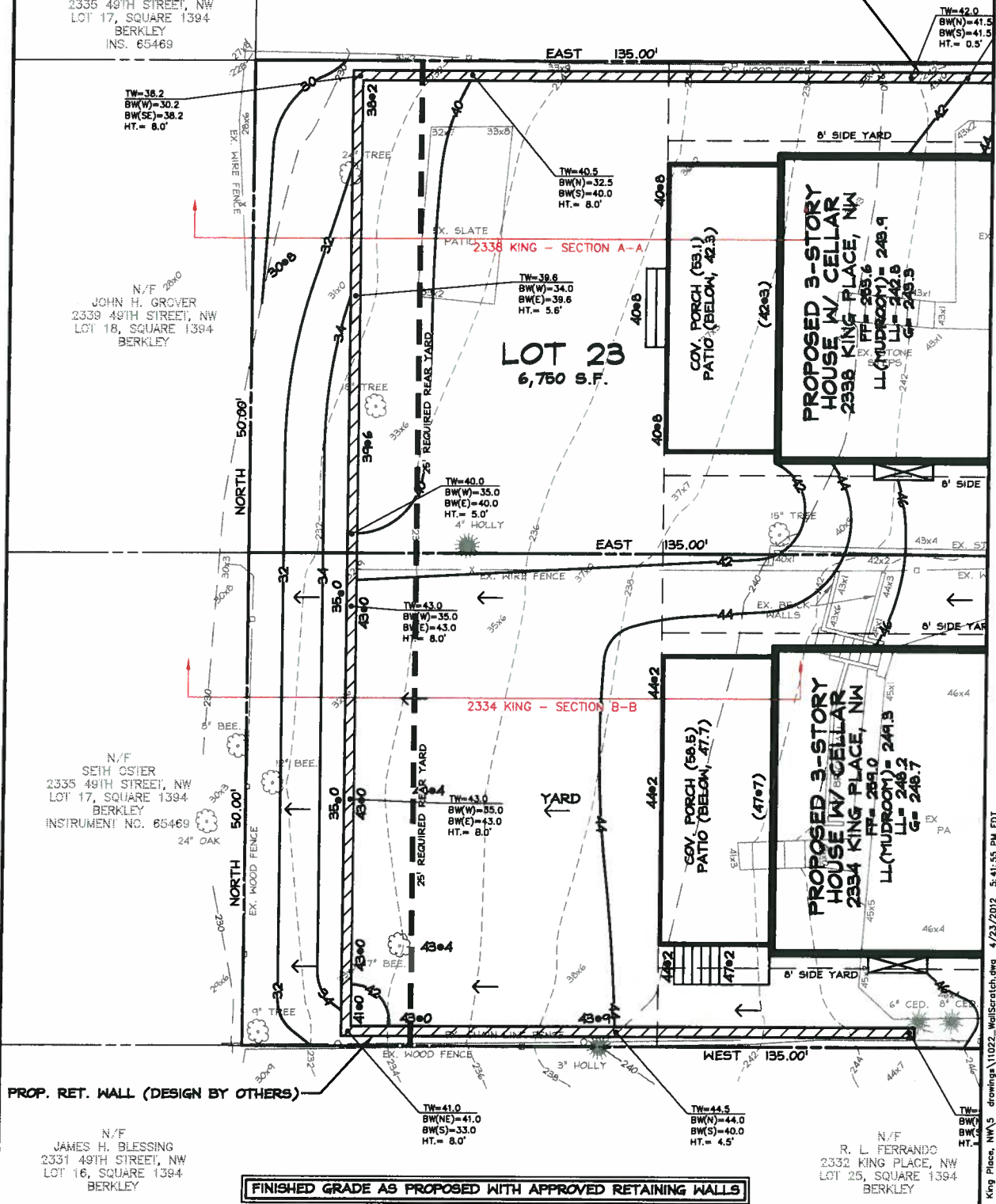
LEGEND:

EXISTING CONTOUR (2-FT.) --- 232 ---
EXISTING CONTOUR (10-FT.) --- 230 ---
FINISHED CONTOUR (2/10-FT.) --- 30 ---
(APPROVED, CURRENT)
REQUIRED REAR YARD ---
RETAINING WALL ---

GENERAL NOTES:

- 1) TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- 2) ZONING: R-1-B

PROP. RET. WALL
(DESIGN BY OTHERS)



CAS Engineering
109 West Ridgeville Blvd., Ste. 101
Mount Airy, Maryland 21771
301-607-8031 office
301-607-8045 fax
info@casengineering.com

2334 & 2338 KING PLACE, NW
LOTS 23 & 24, SQUARE 1394
BERKLEY

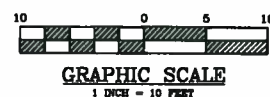


EXHIBIT F: REVISED PROPOSED GRADING/SITE PLAN



Curt A. Schreffler
04/28/2012

N/F
SETH OSIER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INS. 65469

N/F 2840
JOHN H. GROVER
2339 49TH STREET, NW
LOT 18, SQUARE 1394
BERKLEY

N/F
SETH OSIER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INSTRUMENT NO. 65469

N/F
JAMES H. BLESSING
2331 49TH STREET, NW
LOT 16, SQUARE 1394
BERKLEY

LEGEND:

EXISTING CONTOUR (2-FT.)	---
EXISTING CONTOUR (10-FT.)	---
FINISHED CONTOUR (2/10-FT.) (PROPOSED, CURRENT)	---
REQUIRED REAR YARD	---
RETAINING WALL	---
GEOGRID LIMITS	---

GENERAL NOTES:

- TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- ZONING: R-1-B
- GEOGRID LIMITS SHOWN ARE OUTER LIMITS OF LONGEST GEOGRID LAYER. SEE STRUCTURAL DETAILS FOR INDIVIDUAL GEOGRID LAYERING AND DETAILS.

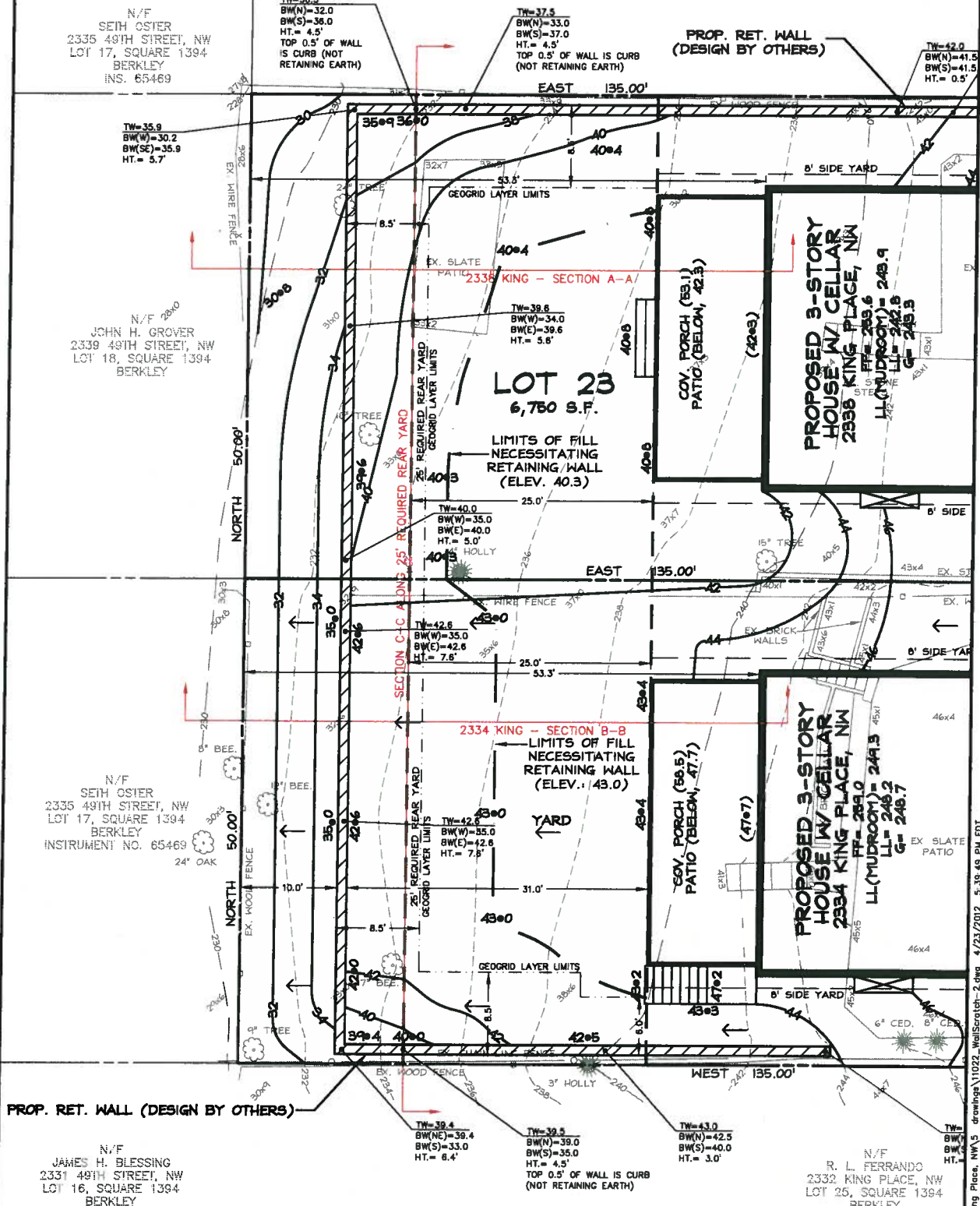


EXHIBIT G: PROPOSED GRADING CONCEPT WITH NON-WALL GRADING OVERLAY



Curt A. Schreffler
04/23/2012

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INS. 65469

N/F
JOHN H. GROVER
2339 49TH STREET, NW
LOT 18, SQUARE 1394
BERKLEY

GENERAL NOTES:

- 1) TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- 2) ZONING: R-1-B
- 3) GEOGRID LIMITS SHOWN ARE OUTER LIMITS OF LONGEST GEOGRID LAYER. SEE STRUCTURAL DETAILS FOR INDIVIDUAL GEOGRID LAYERING AND DETAILS.

N/F
SETH OSTER
2335 49TH STREET, NW
LOT 17, SQUARE 1394
BERKLEY
INSTRUMENT NO. 65469

N/F
JAMES H. BLESSING
2331 49TH STREET, NW
LOT 16, SQUARE 1394
BERKLEY



CAS Engineering
108 West Ridgeville Blvd., Ste. 101
Mount Airy, Maryland 21771
301-607-6031 office
301-607-6045 fax
info@casengineering.com

LEGEND:

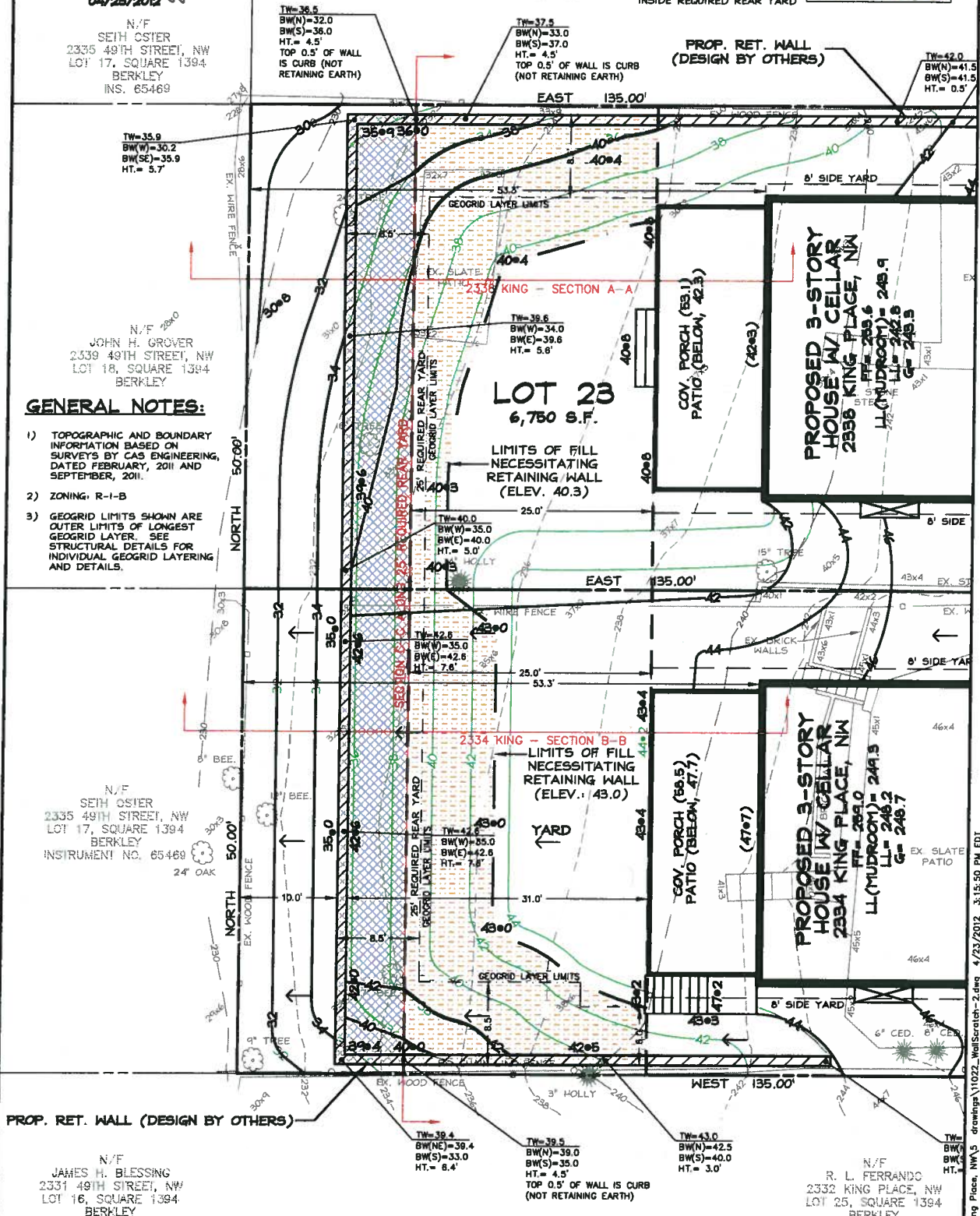
EXISTING CONTOUR (2-FT.) ---232---
EXISTING CONTOUR (10-FT.) ---230---
FINISHED CONTOUR (2/10-FT.) (PROPOSED, CURRENT) ---30---
FINISHED CONTOUR (2/10-FT.) (CONCEPT, WITHOUT WALLS) ---30---
GEOGRID LIMITS --- ---

REQUIRED REAR YARD

RETAINING WALL

AREAS WITH FILL OVER FINISHED GRADE OF SLOPE WITHOUT WALLS, OUTSIDE REQUIRED REAR YARD

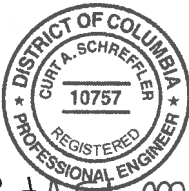
AREAS WITH LESS THAN 4 FT. FILL OVER FINISHED GRADE OF SLOPE WITHOUT WALLS, INSIDE REQUIRED REAR YARD



2334 & 2338 KING PLACE, NW
LOTS 23 & 24, SQUARE 1394
BERKLEY



EXHIBIT H: GRADING/FILL SECTIONS (1 OF 2)



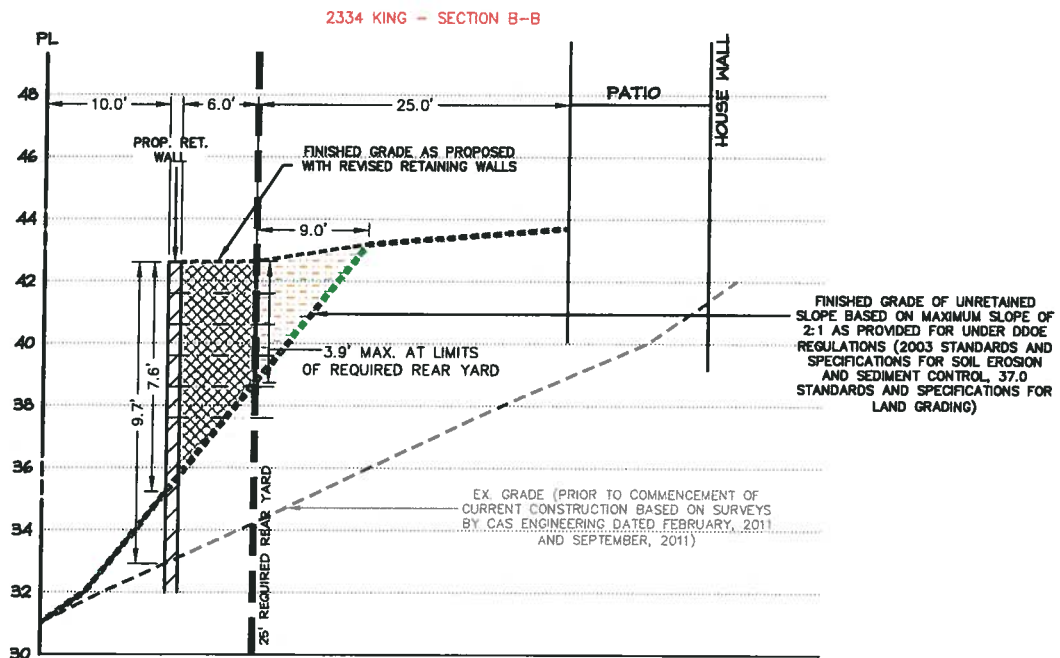
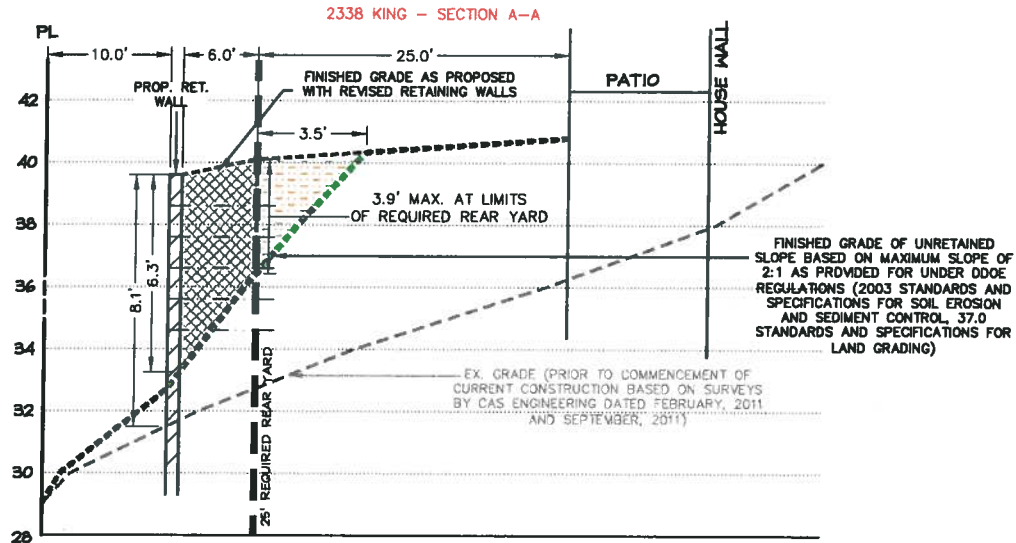
Curt A. Schreffler
04/28/2012

LEGEND:

EXISTING GRADE	---
FINISHED GRADE (APPROVED, CURRENT)	----
FINISHED GRADE (CONCEPT, WITHOUT WALLS)	----
REQUIRED REAR YARD	----
RETAINING WALL	----
GEOGRID LAYERS	----
AREAS WITH FILL OVER FINISHED GRADE OF SLOPE WITHOUT WALLS, OUTSIDE REQUIRED REAR YARD	----
AREAS WITH LESS THAN 4-FT. FILL OVER FINISHED GRADE OF SLOPE WITHOUT WALLS, INSIDE REQUIRED REAR YARD	----

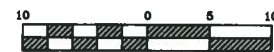
GENERAL NOTES:

- 1) TOPOGRAPHIC AND BOUNDARY INFORMATION BASED ON SURVEYS BY CAS ENGINEERING, DATED FEBRUARY, 2011 AND SEPTEMBER, 2011.
- 2) ZONING: R-1-B
- 3) GEOGRID LIMITS SHOWN ARE OUTER LIMITS OF LONGEST GEOGRID LAYER. SEE STRUCTURAL DETAILS FOR INDIVIDUAL GEOGRID LAYERING AND DETAILS.



CAS Engineering
108 West Ridgeville Blvd., Ste. 101
Mount Airy, Maryland 21771
301-607-8031 office
301-607-8045 fax
info@casengineering.com

2334 & 2338 KING PLACE, NW
LOTS 23 & 24, SQUARE 1394
BERKLEY



GRAPHIC SCALE
HORIZONTAL: 1 INCH = 10 FEET
VERTICAL: 1 INCH = 4 FEET

EXHIBIT H: GRADING/FILL SECTIONS (2 OF 2)



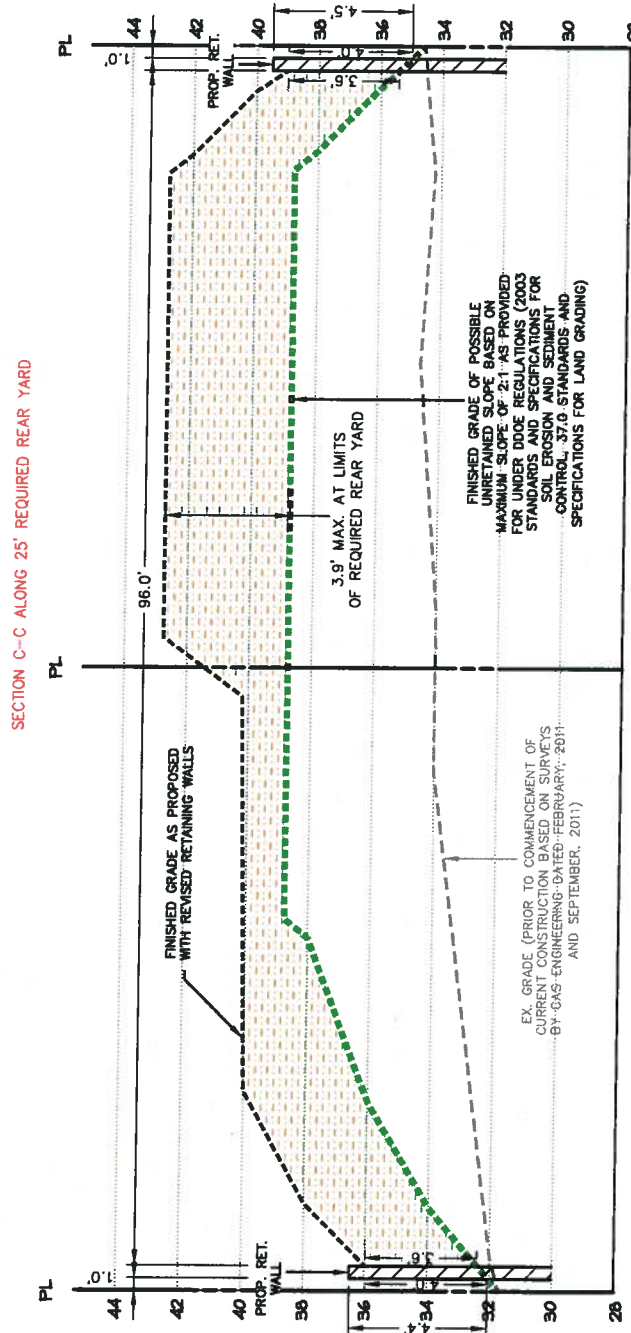
Curt A. Schreffler
04/23/2012

LEGEND:

EXISTING GRADE	---
FINISHED GRADE (APPROVED, CURRENT)	----
FINISHED GRADE (CONCEPT, WITHOUT WALLS)	----
REQUIRED REAR YARD	----
RETAINING WALL	
AREAS WITH LESS THAN 4-FT. FILL OVER FINISHED GRADE OF SLOPE WITHOUT WALLS, INSIDE REQUIRED REAR YARD	

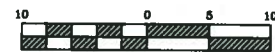
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